

STATE OF MICHIGAN

MACOMB COUNTY CIRCUIT COURT

CASEFLOW MANAGEMENT PLAN

Local Administrative Order 2004 – 8

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2003-7, effective January 1, 2004.

A. Goals of the Court

The Court adopts the following Caseflow Management Plan to:

1. expedite the disposition of all cases in a manner consistent with fairness to all parties;
2. minimize the uncertainties associated with processing cases;
3. assure equal access to the adjudicative process for all litigants;
4. ensure the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society; and
5. enhance the quality of litigation.

B. Case Processing Time Standards

The Court will strive to meet the time guidelines for case processing as set forth in Administrative Order 2003-7.

C. Scheduling Policy

The Court adopts a scheduling policy whereby all cases or contested matters will be set in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of set times. This includes early and continuous control of all cases from case initiation through post-disposition through the use of:

1. appropriate case screening;
2. scheduling orders and conferences for the purpose of achieving date certainty;

3. management of discovery and motion practice;
4. realistic setting of trial dates and time limits; and
5. court control of adjournments in compliance with MCR 2.503(B) for the purpose of achieving date certainty.

Cases and contested matters will be continually reviewed to ensure that no case exists for which a future action or review date has not been set by the Court. Scheduling will be done in accordance with the time guidelines set forth in Administrative Order 2003-7. No case or contested matter will be permitted to remain on this Court's docket in excess of the guidelines set forth by AO 2003-7 without periodic review and evaluation of case progress to ensure, as much as possible, that cases are processed within the time guidelines.

D. Adjournment Policy

The Court adopts the adjournment policy set forth in MCR 2.503(B), as follows:

1. Unless the Court allows otherwise, a request for an adjournment must be by verified and written motion based on good cause shown. All requests for adjournment will be decided by the judge or his or her designee. Adjournments granted will be classified and tracked based on the reason given.
2. A motion for adjournment must state: a) which party is requesting the adjournment; b) the reason for it; and c) whether other adjournments have been granted in the proceeding and, if so, the number granted.
3. The entitlement of a motion for adjournment must specify whether it is the first, or a later request, e. g., "Plaintiff's Request for Third Adjournment."
4. At the time a proceeding is adjourned, the proceeding must be rescheduled for a specific date and time.
5. In granting an adjournment, the Court may impose costs and conditions. Costs may be taxed summarily to be paid on demand of the adverse party or the adverse party's attorney, and the adjournment may be vacated if nonpayment is shown by affidavit.

E. Alternative Dispute Resolution

The Court promotes the use of alternative means with which to resolve disputes. Litigants will be provided with all available information regarding area dispute resolution and counseling centers.

F. Pretrial Scheduling Orders

A pretrial scheduling order, captioned ‘Discovery and Case Evaluation Order,’ will be issued following the filing of an answer in civil cases. This order will cover, among other things, the applicable discovery time allowed by the Court in the cases, filing deadlines for summary disposition motions, case evaluation and witness lists.

A settlement conference, called an ‘Early Disposition Settlement Conference’ will be scheduled in appropriate civil cases to discuss settlement, the potential for ADR, and any other issues in the case approximately 60 days after the filing of the answer.

G. Settlement or Final Pretrial Conferences

Every action that is not disposed of through mediation, case evaluation, or other means, will be scheduled for a settlement conference in accordance with MCR 2.401. Persons with authority to settle the case, including the parties to the actions, agents of the parties, representatives of lien holders, or representatives of insurance carriers shall be present at the conference, or with approval of the Court, immediately available at the time of the conference via telecommunications.

H. Trial Scheduling and Management

Unless otherwise directed by the judge assigned to the case, trials shall be scheduled at the settlement or final pretrial conference.

I. Monitoring Systems

The case management system of the Court will, at a minimum, provide the capability to:

1. monitor case progress;
2. generate various reports for measuring pending inventory, delay, activity, and scheduling practices; and

3. at least quarterly generate reports showing compliance with time guidelines:
 - a. an open case inventory for each judge;
 - b. a pending age case report which is a summary analysis of a judge's case load compared to the time guidelines;
 - c. a time guidelines report which summarizes cases already disposed and compares them to the time guidelines; and,
 - d. a case age report which provides a detail of all cases pending on a judge's docket in excess of the time guidelines.

J. Implementation

To successfully implement and achieve the goals of this Plan, the Court will develop:

1. policy level commitment from the Bench to the concept and plan;
2. consult with internal and external stakeholders as needed for guidance and assistance during the implementation process; and,
3. The Court will utilize other court processes and procedures to effectively implement its caseflow management plan when they become available.

K. Effective Date

This order is effective December 1, 2004.

Peter J. Maceroni, Chief Judge

Dated: